

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA**

LYNNETTE M. LANNON,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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CAUSE NO.: 3:12-CV-353-TLS

**ORDER**

This matter is before the Court on the Report and Recommendation [ECF No. 15] of United States Magistrate Christopher A. Nuechterlein, which was filed on April 17, 2013. In his Report and Recommendation, Judge Nuechterlein recommends that the Commissioner's decision be remanded to the Administrative Law Judge (ALJ) for further administrative proceedings, specifically regarding the ALJ's decision to discount the medical opinion of Dr. Wail Asfour and the reasons for discounting Plaintiff Lynnette M. Lannon's testimony.

This Court's review of a magistrate's report and recommendation is governed by 28 U.S.C. § 636(b)(1), which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

The statute permits objections to the magistrate's report and recommendations to be made within fourteen days of service of a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b) (setting forth procedures for objecting to a magistrate's report and recommendation and the district court's resolution of any objections).

As of the date of this Order, no objection to the Report and Recommendation has been filed, and the time for making objections has now passed. The Court has reviewed the Report and Recommendation submitted by Judge Nuechterlein and finds that his proposed disposition is well taken. The Court will remand this case because the Commissioner has failed to meet his burden to show a logical connection between the evidence and the ALJ's conclusion, particularly as it relates to his determination of the Plaintiff's credibility and her RFC as more fully set forth in the Report and Recommendation.

The Court ADOPTS the Report and Recommendation [ECF No. 15] in its entirety and ACCEPTS the recommended disposition. The Commissioner's decision is REMANDED for the ALJ to consider the record and make findings as set forth in the Report and Recommendation.

SO ORDERED on May 13, 2013.

s/ Theresa L. Springmann  
THERESA L. SPRINGMANN  
UNITED STATES DISTRICT COURT  
FORT WAYNE DIVISION